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Application No. 10/816,219

Filed: April 1, 2004

TC Art Unit: 2627

Confirmation No.: 7321

REMARKS

Claims 1-5 are pending. Claims 1-5 have been rejected under 35 U.S.C. § 102(b). Claim 1 and claims 3-5 have been amended. No new matter has been added.

SECTION 102(b) REJECTIONS

Claims 1-5 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent Number 6,275,459 to Obata, et al. ("Obata"). The Applicant respectfully traverses the grounds for rejection in view of the above amendments and for the reasons provided below.

Claim 1 recites and claims 3-5 have been amended to recite first and second release means of a disk apparatus for forcibly unloading an optical disk. More specifically, claim 1 and claims 3-5 recite that the first release means, for example, the loading gear unit (G1), is first manipulated to release or unlock a rack gear unit (G2) and, subsequently, only after manipulation of the first means, the second release means, for example the rack gear unit (G2), is manipulated to unload the optical disk from the disk apparatus.

As disclosed in the Specification, the rack main body (34) of the rack gear unit (G2) cannot be manipulated while the loading

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gear unit (G1) is in a "normal state position", which prevents unloading of an optical disk. See, e.g., Specification, page 12, lines 2-9. The "normal state position" corresponds to a "manipulation-protected state". Id.

However, when loading gear unit (G1) pushes a slider member (31), engagement of a worm gear (22) and a double gear (23) is released and double gears (23, 24, and 25) are made to rotate freely. See, e.g., Id., page 12, lines 10-21. With the double gears (23, 24, and 25) free to rotate, the optical disk can be unloaded by externally manipulating the rack gear unit (G2) via a through hole (3b).

The Examiner maintains that the Obata reference discloses all of the features of the present invention. More specifically, the Examiner asserts that a slide cam 101 in Fig. 35 and an eject button 14 in Fig. 1 of Obata correspond to the first and second release means, respectively. The Applicants respectfully disagree.

The Examiner cites column 11, lines 21-39 of Obata as teaching "externally manipulating a mechanism for unloading a loaded optical disk." The cited passage, however, discloses driving the disk-loading motor in a reverse direction, which

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expressly teaches away from manipulating a mechanism externally to unload an optical disk.

Section (7), which begins at line 56 of column 13, and Figs. 26-35 of the Obata references disclose an "emergency ejection device" for manually ejecting an optical disk. Obata discloses sliding an emergency ejection-operating lever (148), which disengages a first clutch gear 138 and a second clutch gear 139, causing the optical disk to disengage from the internal workings of the apparatus. "Resilient forces of the ejecting spring 60 of the shutter actuating lever 57 and the ejecting spring 80 of the cartridge retraction device 65" then automatically eject the disk cartridge 1. See, e.g., Obata, col. 16, lines 21-25. There is no external manipulation of a second release means.

With respect to claim 1, neither the ejecting spring 60 of the shutter actuating lever 57 nor the ejecting spring 80 of the cartridge retraction device 65 manipulate a mechanism "externally" as recited in the claim.

With respect to claim 3, Obata also does not teach, mention or suggest a first release means that releases a second release means from a "manipulation-protected state".

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The Examiner is encouraged to telephone the undersigned attorney to discuss any matter that would expedite allowance of the present application.

Respectfully submitted,

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